

REMARKS

Claims 1 through 4 have been cancelled. Claims 5 through 13 were added with a preliminary amendment. Claim 1 is in independent form. Claims 7 and 8 have been cancelled.

Claim 5 stands rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 6,286,983 (the '983 reference) in view of a Japanese reference having a publication number JP 60-193739 A (the '739 reference).

The '983 reference discloses an external mirror assembly for an automotive vehicle. The mirror assembly includes a shell and a mirror housed within the shell and visible through an aperture in the shell. The '983 reference discloses a mirror glass 58 housed within the mirror housing with a reflective surface visible through the aperture. The mirror also includes a lighting unit 4 which is disposed adjacent a free space 59 allowing emitted light beams 63 to exit the aperture of the shell. The lighting element 4 "is connected over the entire surface via an intermediate layer 6 to a carrier film 7. The carrier film 7 preferably encompasses the film in the area of its surrounding edge faces 8," (column 4, lines 37-40).

The '739 reference discloses a mirror having a metallic film for reflecting instant light. One the back of a glass plate upon which the metallic film 1 is deposited, an outer peripheral electrode 2 and a center electrode 3 are secured thereto. Power can be fed to a power source through wires 4 to generate enough heat to dissipate steam and defrost any frozen precipitation found on the metallic mirror.

Claim 5, as amended to clarify the invention, claims a vehicular external mirror module comprising a mirror housing. The external mirror module also includes a mirror glass housed within the mirror housing. The mirror house includes a non-mirrored surface facing out of the mirror housing and a mirrored surface facing into the mirrored housing. The mirror surface

includes a semitransparent window. The vehicular external mirror module also includes a combination film fixedly secured to the mirror surface of the mirror glass. The combination film includes an integrated luminescent film disposed adjacent the semitransparent window for emitting light out of the luminescent film through the semitransparent window of the mirror glass. The combination film also includes a heating web integrally formed with the combination film to heat the mirror glass.

While the '983 reference discloses a mirror assembly having a lighting element that emits light through a window in a mirror surface, it does not disclose a semitransparent window. The '983 reference requires multiple layers being deposited upon the mirror to create the same effect as with a single layer of the subject invention. More specifically, the '983 reference requires a dichroic layer 61 is disposed on the mirror layer 58 so that it appears that light is being reflected at the portion of free space 59 provided to provide light to pass through the mirror surface 56. And nowhere in the '739 reference is there a discussion of a semitransparent window to allow light to pass therethrough and have a reflective surface when light is not passing through the mirror.

In addition, it is improper to combine the '983 reference with the '739 reference to come up with the claimed invention. The '983 reference teaches away from the '739 reference. Throughout column 2 of the '983 reference, there is discussion about surrounding the lighting element with a carrier film. The carrier film is an "injection-moulded part," (column 2, line 3). "Moreover it is advantageous that the injection-moulded part is formed from a plastics material composite of at least two electrically conductive layers connected by an electrically non-conductive insulating layer," (column 2, lines 3-6). The '983 reference goes on to say in the middle of column 2 how it insulates the lighting unit with the covering layer. Clearly, the '983 reference teaches away from combining the lighting element with anything. Just because the two references cited by the Examiner happen to include mirrors does not mean that they could be combined together. In addition, the Examiner even acknowledges that it is not disclosed that a

Amendment

Application Filed: April 24, 2006

Serial No: 10/577,278

heating web and an illuminescnt film could be connected together. The Examiner has, however, taken judicial notice of such subject matter. Applicant disagrees with this view, and motivated by *In Re Ahlert and Kruger*, 165 USPQ 418 (CCPA1970), Applicant hereby challenges judicial notice taken here and asks whether the Examiner can support this view.

None of the references cited by the Examiner nor the inventors show the combination of elements as set forth in claim 5. Therefore, Applicant respectfully suggests that claim 5, and all claims depending therefrom, overcome the rejection under 35 U.S.C. §103.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or patent application, the Examiner is invited to contact the undersigned.

The Commissioner is hereby authorized to charge any additional fee associated with this Communication to Deposit Account No. 50-0852.

Respectfully submitted,

/david j simonelli/

David J. Simonelli, (Reg. No. 36,680)
Reising Ethington P.C.
755 W. Big Beaver Road
Suite 1850
Troy MI 48084
(248) 689-3500

Date: May 26, 2009

Attorney Docket No: 7742.3006.001